

OPEN MEETING ITEM



0000095269

COMMISSIONERS  
KRISTIN K. MAYES – Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP



RECEIVED

MICHAEL P. KEARNS  
Interim Executive Director

ARIZONA CORPORATION COMMISSION 20

ORIGINAL

AZ CORP COMMISSION  
DOCKET CONTROL

DATE: APRIL 9, 2009  
DOCKET NO: T-04037A-09-0084

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

JAMES A. TYLER dba JATCOM  
TELECOMMUNICATIONS-DATA  
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

APRIL 20, 2009

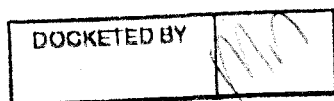
The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

APRIL 28, 2009 and APRIL 29, 2009

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission  
DOCKETED

APR - 9 2009



MICHAEL P. KEARNS  
INTERIM EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES - Chairman  
4 GARY PIERCE  
5 PAUL NEWMAN  
6 SANDRA D. KENNEDY  
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF  
9 JAMES A. TYLER DBA JATCOM  
10 TELECOMMUNICATIONS-DATA FOR  
11 APPROVAL TO CANCEL ITS CERTIFICATE OF  
12 CONVENIENCE AND NECESSITY TO PROVIDE  
13 CUSTOMER OWNED PAY TELEPHONE  
14 SERVICES IN ARIZONA.

DOCKET NO. T-04037A-09-0084

DECISION NO. \_\_\_\_\_

**ORDER**

11 Open Meeting  
12 April 28 and 29, 2009  
13 Phoenix, Arizona

13 **BY THE COMMISSION:**

14 \* \* \* \* \*

15 Having considered the entire record herein and being fully advised in the premises, the  
16 Commission finds, concludes, and orders that:

17 **FINDINGS OF FACT**

18 1. In Commission Decision No. 64834 (May 16, 2002), the Arizona Corporation  
19 Commission ("Commission") granted James A. Tyler dba Jatcom Telecommunications-Data  
20 ("Jatcom") a Certificate of Convenience and Necessity ("CC&N") to provide customer owned pay  
21 telephone ("COPT") services in Arizona.

22 2. On February 23, 2009, Jatcom filed an application with the Commission requesting  
23 cancellation of its CC&N to provide COPT services in Arizona.

24 3. According to the application, Jatcom is not conducting business or providing services  
25 to customers in Arizona.

26 4. Jatcom has no outstanding compliance issued filed with the Commission.

27 5. The Commission's Consumer Services Section indicates that no complaints, opinions  
28 or inquiries have been filed against Jatcom.

1           6.       According to Jatcom's application, Jatcom waives its right to a hearing and notice of a  
2 hearing on the cancellation application.

3           7.       On March 16, 2009, the Commission's Utilities Division ("Staff") filed a  
4 memorandum recommending approval of Jatcom's application to cancel its CC&N.

5           8.       Staff's recommendation is reasonable and should be adopted.

6                               **CONCLUSIONS OF LAW**

7           1.       Applicant is a public service corporation within the meaning of Article XV of the  
8 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

9           2.       The Commission has jurisdiction over Jatcom and of the subject matter of the  
10 application.

11          3.       The cancellation of Jatcom's CC&N to provide customer owned pay telephone  
12 services in Arizona is in the public interest.

13                               **ORDER**

14           IT IS THEREFORE ORDERED that the application of James A. Tyler dba Jatcom  
15 Telecommunications-Data, for cancellation of its Certificate of Convenience and Necessity to  
16 provide customer owned pay telephone services in Arizona is hereby granted.

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the tariffs of James A. Tyler dba Jatcom  
2 Telecommunications-Data, are hereby cancelled.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

5  
6  
7 CHAIRMAN

COMMISSIONER

8  
9 COMMISSIONER

COMMISSIONER

COMMISSIONER

10  
11 IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim  
12 Executive Director of the Arizona Corporation Commission,  
13 have hereunto set my hand and caused the official seal of the  
14 Commission to be affixed at the Capitol, in the City of Phoenix,  
15 this \_\_\_\_ day of \_\_\_\_\_, 2009.

16 MICHAEL P. KEARNS  
INTERIM EXECUTIVE DIRECTOR

17 DISSENT \_\_\_\_\_

18  
19 DISSENT \_\_\_\_\_

YBK:db

1 SERVICE LIST FOR: JAMES A. TAYLOR DBA JATCOM  
2 TELECOMMUNICATIONS-DATA

3 DOCKET NO.: T-04037A-09-0084

4 Mr. James A. Tyler  
5 JATCOM TELECOMMUNICATIONS-DATA  
6 4141 Mercer Road  
7 Bullhead City, Arizona 86429

8 Janice Alward, Chief Counsel  
9 Legal Division  
10 ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007

13 Ernest G. Johnson, Director  
14 Utilities Division  
15 ARIZONA CORPORATION COMMISSION  
16 1200 West Washington Street  
17 Phoenix, Arizona 85007  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28